

BOARD OF ADJUSTMENT

AFTER ACTION REPORT

FRIDAY, NOVEMBER 7, 2014

9:00 A.M.

CITY COMMISSION CHAMBERS, THIRD FLOOR
1700 CONVENTION CENTER DR., MIAMI BEACH, FLORIDA

A. CONTINUANCES

1. File No. 3709
Tara Realty, LLC.
126 West San Marino Drive

Continued to the December 5, 2014 meeting –Goldberg/Colin 7-0.

B. NEW CASES

1. File No. 3758
Robert Behar
1825 Cleveland Road

The applicant is requesting the following variance in order to build a pool and deck in the rear yard of the new single story residence:

1. A. A variance to exceed by 1'-2" the maximum permitted elevation height of +6'-4" NGVD within the required rear yard in order to build portions of the pool's retaining walls at +7'-6" NGVD.

- B. A variance to exceed by 0'-10½" the maximum permitted elevation height of +6'-4" NGVD within the required rear yard in order to build portions of the pool deck at +7'-2 ½" NGVD.

Approved –Fox/Preira 7-0.

2. File No. 3755
Donna Feig
1811 Cleveland Road

The applicant is requesting the following variance in order to build a pool and deck in the rear yard of the new two story single family home:

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1. A variance to exceed by 1'-6" the maximum permitted elevation height of +6'-1½" NGVD within the required rear yard in order to build the pool's retaining walls at +7'-7½" NGVD.

Approved –Goldberg/Tandy 7-0.

3. File No. 3744
Stephen and Janet Scher
1035 Stillwater Drive

The applicants are requesting the following variances in order to retain an existing one story accessory structure located in the rear of the single family property:

1. A variance to waive 3'-5" of the minimum required interior side setback of 7'-6" for a one story accessory structure in order to retain an existing gazebo at 4'-1" from the east property line.
2. A variance to waive 3'-9" of the minimum required rear setback of 11'-3" for a one story accessory structure facing the waterway in order to retain an existing gazebo at 7'-6" from the rear property line.
3. A. A variance to exceed by 3.8% (0'-4") the maximum allowable projection of 25% (1'-10") into the existing rear setback of 7'-6" in order to retain the existing gazebo and roof overhang with 28.8% (2'-2") of encroachment into the rear yard.
B. A variance to exceed by 30% (1'-3") the maximum allowable projection of 25% (1'-0") into the existing interior side setback of 4'-1" in order to retain the existing gazebo and roof overhang with 55% (2'-3") of encroachment into the interior side yard.

Approved –Baron/Preira 7-0.

4. File No. 3746
Michael Tuch & Raquel Bussey
1200 South Biscayne Point Road.

The applicants are requesting the following variances in order to construct an accessory structure with accessible roof deck in the rear yard of the single family property:

1. A variance to waive 2'-6" of the minimum required interior side setback of 10'-0" for a two story accessory structure in order to construct an accessory building at 7'-6" from the south property line.
2. A variance to waive 7'-6" of the minimum required rear setback of 15'-0" for a two story accessory structure in order to construct an accessory building at 7'-6" from the rear property line facing the waterway.
3. A variance to waive all of the minimum required setback of 10'-0" from the south side exterior outer walls in order to permit the construction of an accessory structure with accessible roof deck up to the exterior outer walls and a setback of 7'-6" from the south property line.

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4. A variance to waive 2'-0" of the minimum required 5'-0" distance separation from the main home to accessory structures in order to permit the construction of a new accessory structure in the rear yard at 3'-0" from the two-story main structure.

Approved –Tandy/Goldberg/ 7-0.

5. **File No. 3750**
Skybridge Real Estate, LLC
420 West Rivo Alto Drive

The applicant is requesting the following variance in order to build a new dock and mooring piles for the existing two story single family home:

1. A variance to exceed by 16'-4" the maximum permitted 40'-0" projection into the waterway that exceeds 100'-0" in width in order to permit the extension of an existing dock, a new boat lift and four (4) mooring piles with a total projection of 56'-4" into the waterway.

Approved –Preira/Tandy 7-0.

6. **File No. 3753**
Craig Robins
2511 Lake Avenue

The applicant is requesting the following variance in order to retain existing air conditioning units located on the southwest side of the single family property:

1. A variance to waive 3'-11" of the minimum required interior side setback of 9'-9" for the air conditioning equipment located more than 5'-0" above the flood elevation of 8.00 NGVD with a maximum height that exceeds 10'-0" above grade in order to retain two existing air conditioning units at 5'-10" from the interior side property line at a height of 16.70 NGVD.

Approved –Goldberg/Tandy 7-0.

7. **File No. 3754**
2156 Sunset Lake, LLC.
2156 North Bay Road

The applicant is requesting the following variances in order to construct a new two story single family home:

1. A variance to waive 5'-0" of the minimum required front setback of 20'-0" for a tennis court fence in order to construct the tennis court fence in the front yard of a single family property at 15'-0" from the front property line facing North Bay Road.
2. A variance to waive 5'-0" of the minimum required front setback of 20'-0" for a tennis court play surface in order to construct the play surface for a tennis court in the front yard of a single family property at 15'-0" from the front property line facing North Bay Road.
3. A variance to waive 3'-4" of the minimum required interior side setback of 10'-0" for light poles which are approximately 20'-0" in height, in order to install lighting fixtures for an associated tennis court on a single family home property at 6'-8" from the north property line.

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4. A variance to waive 2'-6" of the minimum required interior side setback of 10'-0" in order to construct a one story two-car garage and a terrace at 7'-6" from the south property line.
5. A variance to waive 2'-6" of the minimum required sum of the side yards of 25'-0" in order to provide a sum of the side yards of 22'-6".
6. A variance to exceed by 2'-2" the maximum permitted elevation height of 5'-10" NGVD within the required rear yard in order to build a lawn platform at 8'-0" NGVD.

Approved with additional condition –Baron/Goldberg 7-0.

**8. File No. 3748
1550 Meridian Avenue LLC.
1550 Meridian**

The applicant is requesting the following variance in order to construct a new 3-story detached ground level addition at the rear of the property:

1. A variance to waive by 135 s.f. the minimum required average unit size of 800 s.f. for new apartment units in order to construct a detached three (3) story addition and five (5) apartments with an average unit size of 665 s.f.

Approved –Colin/Tandy 5-2 (Fox and Preira opposed).

**9. File No. 3751
JHPSB Collins Development, LLC. and JHPSB Collins Development 2, LLC.
302-336 Collins Avenue**

The applicant is requesting the following variance in order to make renovations to the existing contributing structure and the construction of a new five-story multifamily building:

1. A. A variance to waive 3'-0" of the minimum required rear pedestal setback of 13'-0" in order to construct walls for the terraces facing the rear at 10'-0" from the west property line.

B. A variance to waive all of the minimum required rear pedestal setback of 13'-0" in order to construct the FPL transformers up to the west property line.
2. A variance to waive all of the minimum required setback of 5'-0" in order to construct 6 parking spaces up to the west property line facing Collins Court.
3. A variance to waive the required minimum hotel unit size within the "Contributing" structure: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to retain 29 hotel units at less than 300 s.f. (the smallest at 217 s.f.), and 1 hotel unit at 309 s.f. (3% of the units).

Approved –Baron/Preira 7-0.

**10. File No. 3752
Maxime Bernard
1701 Purdy Avenue**

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The applicant is requesting the following variance in order to serve beer and wine for consumption on the premises:

1. A variance to waive twenty-six (26) seats of the minimum required thirty (30) seats for a restaurant to serve beer and wine in order to operate a restaurant with four (4) seats and serve beer and wine for consumption on the premises.

Approved –Baron/Colin 7-0.

**11. File No. 3757
Blue Water Investment Corp.
1439 Alton Road**

The applicant is requesting the following variance in order to serve beer, wine and liquor for consumption on the premises:

1. A variance to waive twenty-eight (28) seats of the minimum required sixty (60) seats for a restaurant to serve beer, wine and liquor in order to operate a restaurant with thirty-two (32) seats and serve beer, wine and liquor for consumption on the premises.

Approved with modified conditions –Tandy/Fox 5-2 (Rosenfeld and Preira opposed).

C. DISCUSSION

1. Proposed revisions to Board of Adjustment By-Laws

-Ratification of amendments to the Board of Adjustment By-Laws.

Ratified.

D. NEXT MEETING DATE

Friday, December 5, 2014

All persons are invited to appear or be represented by an agent at the public hearing and provide testimony before the Board. The applications and all documents related thereto are available for public inspection during normal business hours in the office of the Planning Department located at 1700 Convention Center Drive, 2nd Floor, City Hall, Miami Beach, Florida 33139. Inquiries may be directed to the Department at (305) 673-7550. Any of the above items may be continued to another meeting date and, under such circumstances, further advertised legal notice may not be provided.

Pursuant to Florida Statutes Section 286.0105, any person wishing to appeal Board decisions must ensure a verbatim record of the proceedings including testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by the law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Board's administrator at (305) 673-7550 no later than four (4) days prior to the proceeding. If hearing impaired, telephone the Florida Relay Service numbers, (800) 955-8771 (TDD) or (800) 955-8770 (Voice) for assistance.